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UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING  
LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**SPECIAL VERDICT FORM**

Judge: The Honorable William Alsup

Trial Date: October 10, 2017

We, the jury in the above-entitled action, find the following Special Verdict on the questions submitted to us.

**I. MISAPPROPRIATION OF TRADE SECRETS**

1. Has Waymo proven that, at the time of the alleged misappropriation, the items identified below were neither publicly known nor readily ascertainable through proper means by those with relevant skills or training in this area?

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]

Yes \_\_\_\_ No \_\_\_\_

*If you answered "No" for all items, please skip to question No. 13. If you answered "Yes" for any item, please answer No. 2 only for any item for which you answered "Yes."*

2. Has Waymo proven that, at the time of the alleged of misappropriation, the item was subject to reasonable efforts on the part of Google (or Waymo) to keep it a secret?

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

*If you answered "Yes" for any item, please answer No. 3 only for any item for which you answered "Yes." If you don't answer "Yes" for any item, please skip to question No. 13.*

3. Has Waymo proven that, at the time of the alleged of misappropriation, the item had independent economic value by virtue of being kept secret?

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

*If you answered "Yes" for any item, please answer No. 4 only for any item for which you answered "Yes." If you don't answer "Yes" for any item, please skip to question No. 13.*

4. For each item(s) for which you answered "Yes" in question No. 3, has Waymo proven that the item related to a product or service used in, or intended for use in, interstate or foreign commerce?

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

• [REDACTED]  
Yes \_\_\_\_ No \_\_\_\_

5. Has Waymo proven that the defendants, addressed separately, improperly acquired one or more of the item(s) for which you answered "Yes" in question No. 3? If you answer "Yes," please identify which item.<sup>1</sup>

Uber Technologies, Inc. Yes \_\_\_\_ No \_\_\_\_

Item(s): \_\_\_\_\_

<sup>1</sup> Uber reserves the right to withdraw this and all other proposed jury verdict form questions and jury instructions on acquisition.

Ottomotto, LLC Yes ☐ No ☐

Item(s): \_\_\_\_\_

Otto Trucking, LLC Yes ☐ No ☐

Item(s): \_\_\_\_\_

*If you answered "Yes" for any defendant, please answer No. 6 only for the defendant(s) for whom you answered "Yes." If you answered "No" for all defendants, please skip to question No. 13.*

6. Has Waymo proven that it is more likely than not that the defendants knew or had reason to know that it acquired one or more of the item(s) for which you answered "Yes" in question No. 5 by improper means? If you answer "Yes," please identify which item.

Uber Technologies, Inc. Yes ☐ No ☐

Item(s): \_\_\_\_\_

Ottomotto, LLC Yes ☐ No ☐

Item(s): \_\_\_\_\_

Otto Trucking, LLC Yes ☐ No ☐

Item(s): \_\_\_\_\_

7. Has Waymo proven that it is more likely than not that the defendant improperly used one or more of the item(s) for which you answered "Yes" in question No. 3? If you answer "Yes," please identify which item.

Uber Technologies, Inc. Yes ☐ No ☐

Item(s): \_\_\_\_\_

Ottomotto, LLC Yes ☐ No ☐

Item(s): \_\_\_\_\_

Otto Trucking, LLC Yes ☐ No ☐

Item(s): \_\_\_\_\_

*If you answered "Yes" for any defendant, please answer No. 8 only for the defendant(s)*

*for whom you answered “Yes.” If you answered “No” for all defendants, please skip to question No. 13.*

8. Has Waymo proven that, at the time of use of one or more of the item(s) for which you answered "Yes" in question No. 7, that the defendants had either acquired them by improper means or knew or had reason to know that they came from Anthony Levandowski and he had acquired them by improper means? If you answer "Yes," please identify which item.

Uber Technologies, Inc.      Yes              No          

Item(s): \_\_\_\_\_

Ottomotto, LLC Yes            No           

Item(s): \_\_\_\_\_

Otto Trucking, LLC                      Yes                  No              

Item(s): \_\_\_\_\_

*If you answered "Yes" for any defendant, please answer No. 9 only for the defendant(s) for whom you answered "Yes." If you answered "No" for all defendants, please skip to question No. 13.*

9. If you answered “Yes” to Uber, Ottomoto and/or Otto Trucking in question No. 8, has Waymo proven that Uber, Ottomoto and/or Otto Trucking’s misappropriation was a substantial factor in causing Uber, Ottomoto and/or Otto Trucking to be unjustly enriched?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you answered “Yes,” please answer No. 10. If you answered “No,” please skip No. 10 and 11.*

10. For each item for which you answered “Yes” in question No. 3, what is the amount that Waymo should recover for Uber, Ottomotto and/or Otto Trucking’s unjust enrichment? You must only include any amounts of unjust enrichment that Waymo has proven are more likely than not.

| Income Level | Total |
|--------------|-------|
| 1            | 1000  |
| 2            | 800   |
| 3            | 600   |
| 4            | 400   |
| 5            | 300   |
| 6            | 200   |
| 7            | 150   |
| 8            | 100   |
| 9            | 80    |
| 10           | 60    |

*If you entered an amount for any item, please answer No. 11. If you did not enter an amount for any items, please skip to No. 12.*

11. Do the amounts that you entered in No. 10 include any amount by which Uber, Ottomotto, and/or Otto Trucking will be unjustly enriched in the future?

Yes \_\_\_\_ No \_\_\_\_

12. For each item for which you answered "Yes" in question No. 3, has Waymo proven by clear and convincing evidence that each defendant(s) misappropriation was willful and malicious?

|                         |     |      |    |      |
|-------------------------|-----|------|----|------|
| Uber Technologies, Inc. | Yes | ____ | No | ____ |
| Ottomotto, LLC          | Yes | ____ | No | ____ |
| Otto Trucking, LLC      | Yes | ____ | No | ____ |

13. Have defendants proven that Waymo brought any of its claims against Uber, Ottomotto and/or Otto Trucking in bad faith, including any of Waymo's claims that Waymo originally alleged but did not take to trial?

|                         |     |      |    |      |
|-------------------------|-----|------|----|------|
| Uber Technologies, Inc. | Yes | ____ | No | ____ |
| Ottomotto, LLC          | Yes | ____ | No | ____ |
| Otto Trucking, LLC      | Yes | ____ | No | ____ |

## II. DEFENDANTS' AFFIRMATIVE DEFENSES

### A. Unclean Hands

14. Is it more likely than not that Waymo violated a duty of good faith or acted unconscionably in connection with the events for which Waymo seeks to recover?

Yes \_\_\_\_ No \_\_\_\_

*If you answered "Yes," please answer No. 15. If you answered "No," please go to No. 16.*

15. By what amount should Waymo's recovery be reduced because of Waymo's unclean hands?

\$\_\_\_\_\_

### B. Mitigation of Damages

16. Is it more likely than not that Waymo could have avoided any of its damages with reasonable efforts or expenditures?

Yes \_\_\_\_ No \_\_\_\_

*If you answered "Yes," please answer No. 17. If you answered "No," please sign and date this form.*

17. What amount of damages could Waymo have avoided with reasonable efforts or expenditures?

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The Foreperson must sign and date below and return this Special Verdict to the Court Clerk.

Dated: \_\_\_\_\_

FOREPERSON